

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Docket No. 1:19-cv-837

MICHAEL LENTI,

*Plaintiff,*

v.

CHARLOTTE REGIONAL VISITORS  
AUTHORITY, a division of the CITY OF  
CHARLOTTE,

*Defendant.*

**VERIFIED  
COMPLAINT  
(JURY TRIAL DEMANDED)**

NOW COMES THE PLAINTIFF, complaining of the defendant as follows.

**JURISDICTION**

- 1) Jurisdiction is based upon 28 USC §1332 and is founded on diversity of citizenship and the amount in controversy which exceeds \$75,000, exclusive of interests and costs.

**FACTS**

- 2) The plaintiff, Michael Lenti (“Lenti”) is a citizen and resident of Rock Hill, South Carolina.
- 3) Upon information and belief, the Charlotte Regional Visitors Authority (“CRVA”) is a division of the City of Charlotte.
- 4) The City of Charlotte is a municipality existing under the laws of the State of North Carolina and pursuant to the state’s constitution.
- 5) Upon information and belief, CRVA is an organization that manages operations at various public venues in the City of Charlotte, including Bojangles’ Coliseum.
- 6) On May 26, 2019, the plaintiff and his children attended a Charlotte Checkers hockey game which was being played at Bojangles’ Coliseum.
- 7) During the course of a game, a puck can reach speeds approaching 100 miles per hour.
- 8) The game of hockey is played with a hard disk of vulcanized rubber measuring approximately 1 inch thick and 3 inches in diameter and weighing about 6 ounces.
- 9) The plaintiff was seated in the front row of the rink seating in an area located near the penalty box for the game, or in other words, near the center of the side of the rink.

- 10) In front of the plaintiff was the rink wall and above the rink wall is a protective clear acrylic plastic sheet or barrier, approximately six feet high and 5/8 inch thick, whose purpose it was to protect the fans from pucks that stray from the rink during play.
- 11) The plaintiff chose these seats, in part, to provide the most amount of protection to his children and himself from errant pucks during the game.
- 12) On each end of the rink is a goal for each team.
- 13) During the course of a hockey game, shots are directed towards goals.
- 14) Upon information and belief, the hockey rink at Bojangles' Coliseum on the day in question was 200 feet in length and 85 feet in width, with corners rounded to a 28 foot radius.
- 15) As a result of the direction, number and force of pucks shot towards a goal, the hockey arenas, including the one at Bojangles' Coliseum, install much higher acrylic barriers (approximately 8 feet) behind the goals to shield fans from danger.
- 16) On top of the acrylic barriers behind the goals was netting to further protect the fans, but the netting did not extend to the full length of the horseshoe acrylic barrier, nor was there netting on the sides of the rink.
- 17) The eight foot acrylic barriers behind the goals are horseshoe shaped structures that transition to the lower height of acrylic protective barriers at the sides of the rink.
- 18) The purpose of the horseshoe shaped structure is both to protect pucks from flying into the stands and to redirect the pucks back into the field of play.
- 19) Instead of the ends of the horseshoe shaped acrylic behind the goals being angled back towards the rink, the acrylic barrier behind the goal closest to the plaintiff was angled towards the spectators.
- 20) During the course of the game, a player on the opposite side of the rink and to the right of the plaintiff, struck a puck at a high rate of speed towards the goal.
- 21) The puck was "sling shot" around the horseshoe protective structure and rather than the barrier redirecting the puck into the field of play, it catapulted the puck towards the plaintiff at an extremely high rate of speed.
- 22) Given the location of the plaintiff's seat, he had no reason to expect or anticipate an errant puck because he was protected by the acrylic barrier in front of him.

- 23) Without warning, the puck struck the plaintiff in the face causing facial fractures and other significant injuries, from which the plaintiff still suffers.

**COUNT I  
NEGLIGENCE**

- 24) The paragraphs above are hereby incorporated by reference as if fully set forth herein.
- 25) The defendant owed a duty of reasonable care to its patrons, including the plaintiff.
- 26) The defendant was negligent in one or more ways:
- a. Failed to construct the acrylic barriers in such way as to redirect an errant puck back into the field of play rather than into the spectator crowd.
  - b. Failed to inspect the acrylic barriers.
  - c. Failed to install the acrylic barriers in a fashion customary and reasonable and in accordance with the requirements of the National Hockey League.
  - d. Failed to install adequate netting at the ends of the horseshoe shaped protective barriers.
  - e. Failed to properly design the protective barriers.
- 27) The injuries suffered by the plaintiff were proximately caused by the negligence of the defendant.
- 28) The plaintiff has incurred medical expenses, lost wages and disability as a result of the injuries he sustained and said damages exceed \$75,000.

THEREFORE, the plaintiff prays unto the Court for the following relief:

1. That the plaintiff has and recovers of the defendant compensatory damages in excess of \$75,000.00.
2. That the costs of this action, together with interest, be taxed against the defendant.
3. That the plaintiff has and recovers attorney fees, if such is allowed by law.
4. That all issues be tried to a jury.
5. For such other relief as the Court deems just and proper.

This the 15th day of August, 2019.

A handwritten signature in black ink, reading "Fred W. DeVore, III". The signature is fluid and cursive, with the first name "Fred" and last name "DeVore" being more prominent than the middle initial "W.". The signature is positioned above a horizontal line.

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Fred W. DeVore, III  
*Attorney for the Plaintiff*  
DEVORE, ACTON & STAFFORD, P.A.  
438 Queens Road  
Charlotte, NC 28207  
NC State Bar No. 10308  
Telephone: 704-377-5242  
Facsimile: 704-332-2528  
[fdevore@devact.com](mailto:fdevore@devact.com)

## VERIFICATION

NOW COMES the plaintiff, after being first duly sworn, and says:

That he is the plaintiff in the foregoing action; that he has read the foregoing complaint; that the same is true of his own knowledge, except as to those matters and things stated upon information and belief, and as to those matters and things, he believes them to be true.

This the 7<sup>th</sup> day of August, 2019.

*Michael Lenti*

MICHAEL LENTI

SWORN to and subscribed before me

this 7 day of August 2019.

*Ashley N. Williams*  
Notary Public

My Commission Expires: 08-28-2025



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Handwritten Signature*

FOR OFFICE USE ONLY

RECEIPT #

Case 3:19-cv-00407-RJC Document 1-1 Filed 08/15/19 Page 1 of 2

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.